

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHONTA BATTLE,

Plaintiff,

v.

JOHNNY THOMAS and THOMAS
CONTRACTING LLC

Defendants.

Civil Action File No. _____

DEFENDANTS' NOTICE OF REMOVAL

COME NOW Johnny Thomas and Thomas Contracting LLC (hereinafter “the Defendants”), named defendants in the above-styled action, and file this Notice of Removal, respectfully showing this Court the following facts:

1.

Plaintiff Shonta Battle (hereinafter “Plaintiff”) filed suit against the above named defendants in the State Court of Fulton County, State of Georgia. This suit is styled as above and numbered Civil Action File No. 21EV002053. (*See generally* Plaintiff’s Complaint).

2.

This Notice of Removal is filed within 30 days of Thomas Contracting LLC's notice of the Complaint pursuant to the requirements of 28 U.S.C. § 1446(b)(1). Johnny Thomas joins in this removal pursuant to 28 U.S.C. § 1446(b)(2)(C).

3.

According to information and belief, Plaintiff is currently, and was at the time suit was filed in this case, a resident and citizen of the State of Georgia.

4.

Defendant Thomas Contracting LLC is a foreign limited liability company. The sole member of KLLM Transport Services, LLC is Dana Thomas, a resident and citizens of Alabama. Thomas Contracting LLC is therefore a citizen of Alabama.

5.

Defendant Johnny Thomas is and was at the time the complaint was filed, a resident and citizen of Alabama.

6.

Thus, complete diversity exists between Plaintiff and every named defendant. 28 U.S.C. § 1332(a)(1); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005).

7.

Plaintiff made a pre-suit demand for \$1,000,000.00. Thus, upon information

and belief, the amount in controversy exceeds \$75,000.

9.

Therefore, as shown above, the aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code § 1332 and, accordingly, is one which may be removed to this Court by the Defendants pursuant to the provisions of Title 28 of the United States Code § 1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different states.

10.

The Defendants have attached hereto a copy of the process, pleadings and/or order served upon them in this case, such copy being marked Exhibit “A.”

WHEREFORE, these Defendants pray that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 7th day of June, 2021.

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Respectfully submitted,

COPELAND, STAIR, KINGMA &
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By: /s/ Anna K. Beaton

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ANNA K. BEATON

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Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **Defendants' Notice of Removal** upon all parties to this matter by filing same with the Clerk of Court using the CM/ECF (Pacer) system and via e-mail to counsel of record and parties as follows:

Ramin Kermani-Nejad
KERMANI FIRM LLC
1718 Peachtree Street NW Suite 489
Atlanta, Georgia 30309
Attorney for Plaintiff

This 7th day of June, 2021.

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